

PUBLIC ORDER EMERGENCY COMMISSION

IN THE MATTER OF AN INQUIRY

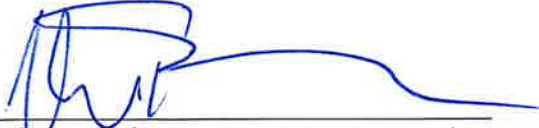
held pursuant to section 63 of the *Emergencies Act*, R.S.C., 1985, c. 22

Affidavit of A. François Daigle

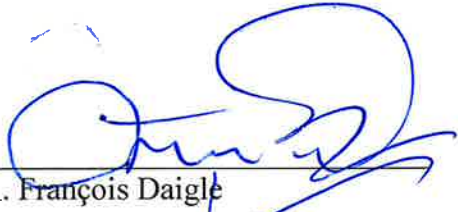
I, A. François Daigle, of the Municipality of Chelsea in the province of Quebec, affirm as follows:

1. I am the Deputy Minister of Justice and the Deputy Attorney General of Canada.
2. At the request of the Public Order Emergency Commission, the Department of Justice has prepared an Institutional Report, attached as Exhibit A.
3. As the Deputy Minister of Justice and Deputy Attorney General of Canada, I have knowledge of the topics discussed in the Institutional Report for the Department of Justice, namely, the organizational structure of the Department of Justice and the role the Department of Justice played with respect to the 2022 "Freedom Convoy." I affirm that the contents of the Institutional Report are true and accurate.

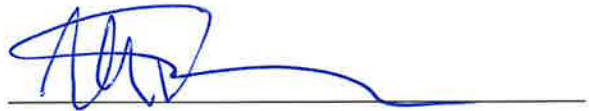
Affirmed before me at the City of Ottawa,
in the Province of Ontario, this 17th day of
October, 2022


A Commissioner for Taking Affidavits

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A. François Daigle

THIS IS EXHIBIT "A" REFERRED TO IN
THE AFFIDAVIT OF A. FRANCOIS DAIGLE
AFFIRMED BEFORE ME ON OCTOBER 17th, 2022.

A handwritten signature in blue ink, consisting of stylized initials and a long horizontal flourish, positioned above a thin horizontal line.

PUBLIC ORDER EMERGENCY COMMISSION
INSTITUTIONAL REPORT – DEPARTMENT OF JUSTICE

1.0 DEPARTMENT OVERVIEW

A. Department of Justice Organizational and Reporting Structure

1. The Department of Justice (DOJ) supports the Minister of Justice and Attorney General of Canada in:
 - a. overseeing all matters relating to the administration of justice that fall within the federal domain—in this capacity, the DOJ strives to promote access to justice for all Canadians;
 - b. providing a broad range of advisory, litigation, and legislative services to government departments and agencies; and
 - c. advising Cabinet on all legal matters.

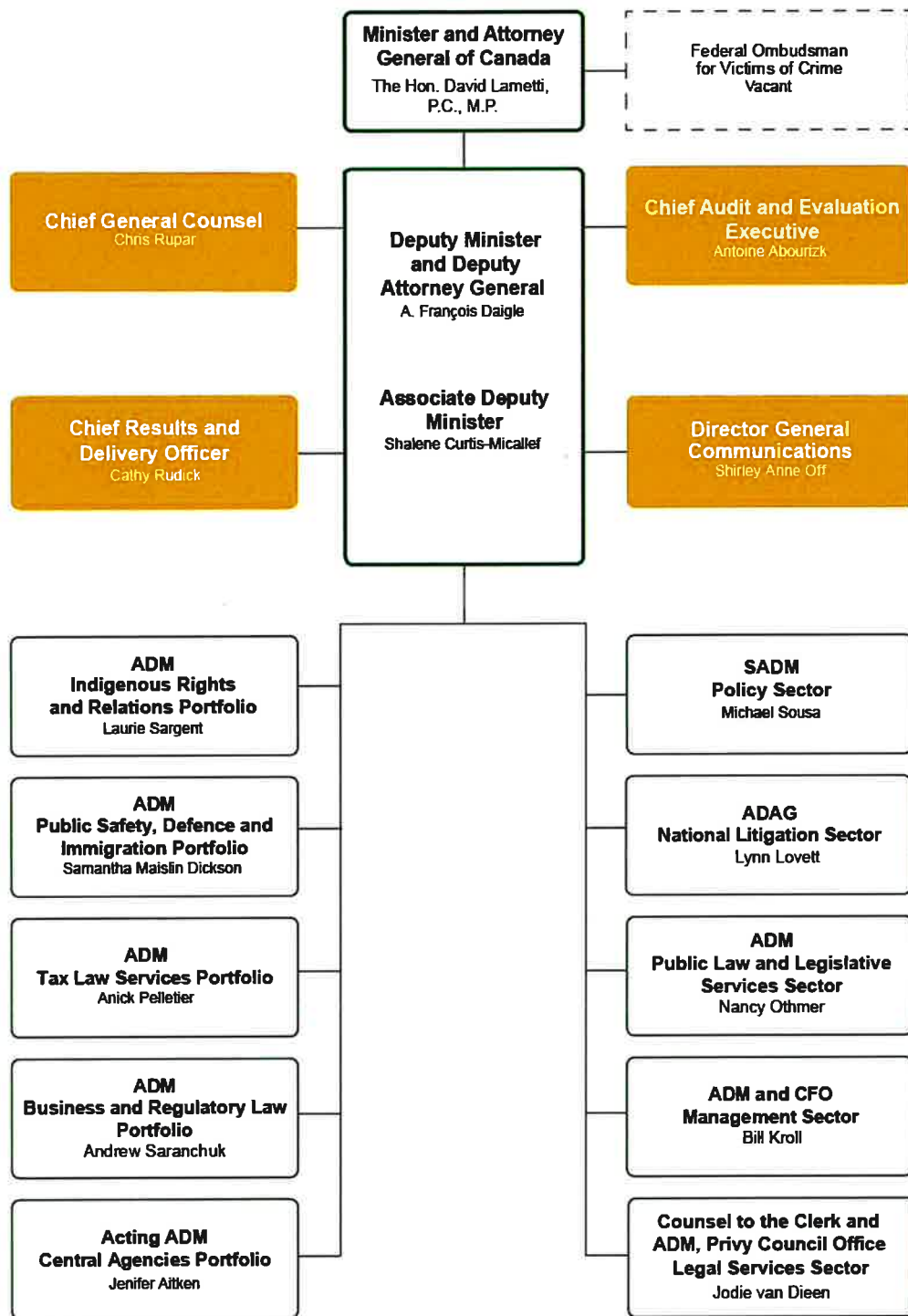
The DOJ is led by the Deputy Minister and Deputy Attorney General A. François Daigle and Associate Deputy Minister Shalene Curtis-Micallef.

2. The DOJ is organized in 13 sectors, portfolios, and branches:
 - a. **Business and Regulatory Law Portfolio (BRLP):** The BRLP provides a full range of strategic legal services to approximately 40 client departments, agencies, and other federal entities through 12 Departmental Legal Services Units co-located with their respective clients including Global Affairs Canada, Health Canada, and Transport Canada. It is led by Assistant Deputy Minister Andrew Saranchuk.
 - b. **Central Agencies Portfolio:** The Central Agencies Portfolio manages critical legal, policy, and operational issues related to the central agency functions of government. It is comprised of the Office of the Assistant Deputy Minister, four Departmental Legal Services Units (Department of Finance, Office of the Superintendent of Financial Institutions of Canada, Public Service Commission, and Treasury Board Secretariat) and a Centre of Expertise for Labour and Employment Law. It is led by Assistant Deputy Minister Jenifer Aitken.
 - c. **Communications Branch:** The Communications Branch is accountable for ensuring that the department's communication priorities and requirements are met, that communications activities fully reflect government-wide policies, themes and priorities, and that the communications function is fully integrated into the planning, management, and evaluation of policies, programs, services, and initiatives across the country. It is led by Shirley Anne Off, the Director General of Communications.

- d. **Indigenous Rights and Relations Portfolio (IRRP):** The IRRP coordinates and integrates DOJ advice on a wide range of Aboriginal law, Indigenous rights and policy issues, and Northern Affairs matters across portfolios and sectors in the advisory, negotiations, litigation, and policy contexts. The IRRP is led by Assistant Deputy Minister Laurie Sargent.
- e. **Internal Audit and Evaluation Sector (IAES):** The IAES strengthens accountability and improves the DOJ's overall effectiveness and efficiency. The IAES determines whether the DOJ's risk management, internal control, and governance processes, are adequate and functioning appropriately, and assesses whether the DOJ's programs, policies, and initiatives continue to be relevant, effective and efficient. To ensure the independence and neutrality of the Sector's functions, the CAEE reports directly to the Deputy Minister. The sector is headed by Chief Audit and Evaluation Executive (CAEE) Antoine Abourizk.
- f. **Management Sector:** The Management Sector provides a suite of internal services to assist the Department in meeting its policy and program priorities, building a workplace of choice and delivering high-quality legal services to the Government of Canada. The sector is led by Assistant Deputy Minister and CFO Bill Kroll.
- g. **Ministerial Secretariat:** The Ministerial Secretariat supports the Minister, Deputy Minister, and senior departmental officials by providing strategic advice and operational services in support of their Cabinet and Parliamentary responsibilities, as well as correspondence and briefing needs. It is led by Senior Director Yanike Legault.
- h. **National Litigation Sector (NLS):** The NLS is responsible for the conduct of all litigation involving the Government of Canada or any of its departments or agencies. The NLS is also responsible for extradition; mutual legal assistance requests and related litigation; criminal conviction review; the agent affairs program; and litigation support services and technology. The NLS is led by Assistant Deputy Attorney General Lynn Lovett.
- i. **Policy Sector:** The Policy Sector contributes to the policy function across the Department, managing priorities and planning, and undertaking research and analysis to support evidence-based decisions. The sector is led by Senior Assistant Deputy Minister Michael Sousa.
- j. **Privy Council Office (PCO) Legal Services Sector (PCO LSS):** PCO LSS provides legal advice and services to PCO, its portfolio ministers, and Cabinet. It advises PCO on the operation of the Cabinet decision-making system, as well as on a wide range of program, policy, legislative, and litigation activities. It is led by the Counsel to the Clerk of the Privy Council and Assistant Deputy Minister Jodie van Dieen.
- k. **Public Law and Legislative Services Sector(PLLSS):** The PLLSS provides specialized legal advisory and policy advice, and has experts in human rights law and

policy; constitutional, administrative and international law; information and privacy law and policy; official languages law and policy; judicial affairs; international trade and investment law; and legislative and regulatory law. The Legislative Services Branch drafts bills and regulations in both official languages. The PLLSS is led by Assistant Deputy Minister Nancy Othmer.

- l. **Public Safety, Defence and Immigration Portfolio (PSDI):** PSDI provides integrated legal advisory services, litigation support, and drafting support to nine departments and agencies including: CBSA, CSIS, the RCMP, the Department of National Defence, and the Department of Public Safety and Emergency Preparedness. It is led by Assistant Deputy Minister Samantha Maislin Dickson.
- m. **Tax Law Services (TLS):** The TLS provides legal support, including legal advice, litigation, and drafting services on matters such as the goods and services tax, income tax, collections, employment insurance, administrative law, corporate governance and civil litigation. It is led by Assistant Deputy Minister Anick Pelletier.



- DOJ employees work in offices across the country, including in the National Capital Region in Ottawa, and in six regional offices: the Atlantic Region, Quebec Region, Ontario Region, Prairie Region, British Columbia Region, and the Northern Region. Roughly half of the

Department's 5,000 employees are lawyers; the other half include experts in fields such as research, social sciences, and communications, as well as paralegals and support staff. Many DOJ lawyers work in legal services units in approximately 40 federal departments and agencies.

B. Dual Role of the Minister of Justice and Attorney General of Canada

4. The *Department of Justice Act*¹ created the Department of Justice, over which the Minister of Justice presides, and sets out the powers, duties, and functions of the Minister of Justice and Attorney General of Canada (AGC). It provides that the Minister is also His Majesty's Attorney General of Canada. The Minister of Justice is responsible for justice policy development, including the development of new programs and services for Canadians. The Attorney General of Canada provides legal services to the Government. The Attorney General also oversees federal prosecutions within the framework of the Director of Public Prosecutions Act and is supported by the Public Prosecution Service of Canada, which is independent from the Department of Justice. The DOJ supports the dual roles of the Minister of Justice and the Attorney General of Canada.
5. The AGC is the chief law officer of the Crown. In carrying out this role, the AGC represents the Crown and seeks to advance the interests of the whole of government. The AGC acts in the public interest, including upholding the Constitution of Canada, the rule of law and respect for the independence of the courts. The AGC conducts litigation on behalf of the Government and provides legal advice and legislative services, such as assistance with drafting and reviewing legislation, to government departments and agencies.
6. The Minister of Justice has both a policy role and a legal role. As a member of Cabinet, the Minister of Justice participates in the deliberative process that leads to decisions for which ministers are collectively responsible. The Minister is responsible to ensure that the administration of public affairs is in accordance with the law, to advise the Crown on legal matters, and to uphold the rule of law by providing professional, non-partisan legal advice.
7. The DOJ supports the dual roles of the Minister of Justice and the Attorney General of Canada.

C. Department of Justice Role in the Use of the *Emergencies Act*

8. The Department of Justice sectors, portfolios, and branches that engaged in work related to the occupation and blockades did so for the purpose of providing legal advice and legislative services to the Government of Canada. That work is protected by solicitor-client privilege and/or Cabinet confidence.
9. The Legislative Services Branch drafted the *Proclamation Declaring a Public Order Emergency*, the *Emergency Economic Measures Order* and the *Emergency Measures*

¹ *Department of Justice Act*, R.S.C., 1985, c. J-2

Regulations made under the Emergencies Act, and the Proclamation Revoking the Declaration of a Public Order Emergency.

10. The Department of Justice examined the *Emergency Measures Regulations* and the *Emergency Economic Measures Order* in accordance with the obligation under s. 3 of the *Statutory Instruments Act* to ensure that:²

(a) it is authorized by the statute pursuant to which it is to be made;

(b) it does not constitute an unusual or unexpected use of the authority pursuant to which it is to be made;

(c) it does not trespass unduly on existing rights and freedoms and is not, in any case, inconsistent with the purposes and provisions of the *Canadian Charter of Rights and Freedoms* and the *Canadian Bill of Rights*; and

(d) the form and draftsmanship of the proposed regulation are in accordance with established standards.

² *Statutory Instruments Act*, R.S.C., 1985, c. S-22